



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Mark W. Miles)
Examiner: Barreca, Nicole
Serial No.: 10/074,562)
Art Unit: 1756
Filed: February 12, 2002)
For: METHOD FOR FABRICATING A STRUCTURE)
FOR MICROELECTROMECHANICAL)
SYSTEMS (MEMS) DEVICE)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.312(a)

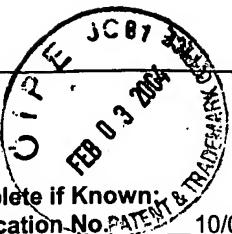
Dear Sir:

As a Comment on Statement of Reasons For Allowance, Applicant respectfully requests the following amendments to claims 1, 12, 13, and 19 be made, strictly for clarification in light of the Examiner's Statement of Reasons For Allowance, or to correct typographical errors.

All allowed claims are listed below for the convenience of the Examiner.

IN THE CLAIMS:

1. (Currently Amended) A microfabrication process for fabricating a microelectromechanical systems device, comprising:
 - depositing one or a stack of layers on a substrate;
 - patterning said one or a stack of layers to form a plurality of longitudinally extending ~~groves~~ grooves therein;
 - depositing a middle layer on said one or a stack of layers;



FEE TRANSMITTAL FOR FY 2004

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known:

Application No. 10/074,562

Filing Date February 12, 2002

First Named Inventor Mark W. Miles

Examiner Name Barreca, Nicole

Art Unit 1756

Attorney Docket No. 005652.P005

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Credit any overpayments.

Charge any additional fees during the pendency of this application.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Charge fee(s) indicated below except for the filing fee.

FEE CALCULATION

1. BASIC FILING FEE

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)	Utility application filing fee	_____
1001	770	2001	385	Design application filing fee	_____
1002	340	2002	170	Plant filing fee	_____
1003	530	2003	265	Reissue filing fee	_____
1004	770	2004	385	Provisional application filing fee	_____
1005	160	2005	80		

SUBTOTAL (1) \$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	- 20** = _____	X _____	= _____
Independent Claims	- 3** = _____	X _____	= _____
Multiple Dependent			= _____

**Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	Claims in excess of 20
1202	18	2202	9	Indep nd nt claims in xc ss of 3
1201	86	2201	43	Multipl dep nd nt claim, if not paid
1203	290	2203	145	**R issu ind p nd nt claims over riginal pat nt
1204	86	2204	43	**Reissu claims in xcess of 20 and v r original pat nt
1205	18	2205	9	

SUBTOTAL (2) \$ 0.00

FEE CALCULATION (continu d)

3. ADDITIONAL FEES

<u>Larg Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>F Paid</u>
Fee (\$)	Fee (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1813 8,800	1813 8,800	Request for inter partes reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive – unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814 110	2814 55	Statutory Disclaimer	
1810 770	2810 385	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
1504 300	1504 300	Publication fee for early, voluntary, or normal pub.	
1505 300	1505 300	Publication fee for republication	
1803 130	1803 130	Request for voluntary publication or republication	
1808 130	1808 130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454 1,330	1454 1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:

Typed or Printed Name: James H. Salter

Signature: _____ Date: 1/29/04

Reg. Number: 35,668 Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



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AMENDMENT TRANSMITTALPATENT

Application No.: 10/074,562
Filing Date: February 12, 2002
First Named Inventor Mark W. Miles
Examiner's Name: Barreca, Nicole
Art Unit: 1756
Attorney Docket No.: 005652.P005

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment
 Amendment/Response with respect to Office Action
 Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
 Notice of Appeal
 RCE (Request for Continued Examination)
 Supplemental Declaration
 Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
 Information Disclosure Statement (IDS)
 Copies of IDS citations
 Petition for Extension of Time
 Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
 Cross-Reference to Related Application(s)
 Certified Copy of Priority Document
 Other: Amendment Under 37 CFR 1.312(a)
 Other: _____
 Check(s)
 Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAPMAN LLP

TYPED OR PRINTED NAME: James H. Salter

SIGNATURE:

REG. NO.: 35,668DATE: 1/29/04ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450
1-29-2004

Date of Deposit
Valerie J. Sterling

Valerie J. Sterling
Signature

Name of Person Mailing Correspondence

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(10/14/03)